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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,265	01/25/2002	William J. Stehouwer	HEN01 P342	2746

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EXAMINER

GRAY, LINDA LAMEY

ART UNIT	PAPER NUMBER
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1734

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/057,265

Applicant(s)

STEHOUWER ET AL.

Examiner

Linda L. Gray

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2002 and 06 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 1-10, 17-23 and 26-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-16, 24-25, and 29-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Election/Restrictions

1. Claims 1-10, 17-23 and 26-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 11-6-06.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beffa (GB 2 321 434).

Claim 11, Beffa teaches an apparatus. With respect to the intended use limitation in preamble, the apparatus is capable of printing labels and subsequently laminating labels thereto. The limitations directed to the carton per se (**claims 11 and 12**) do not provide a structural difference between the structure claimed and that of the reference in that such refers to the material operated upon by the claimed apparatus. The apparatus includes a computer (Macintosh PC 7600/120 for example) which includes a microprocessor; a digital printer (Canon CLC 700 for example) capable of receiving said output information from the computer and printing a plurality of labels

identified by information on a continuous web stock; a cutting machine (a puncher for example) capable of receiving the web stock and cutting the individual labels therefrom; and an automatic laminating machine capable of applying a hot melt adhesive if desired to one side of each label (**claims 13-14**) opposite the printed side and laminating the label in indexed relationship thereto.

Claim 11, Beffa does not **(a)** specifically recite that the computer includes a graphics program capable of laying out label sizes, shapes, and graphic information to be contained on the label where the output information is from the file and **(b)** teach a stacking item pre laminating machine.

For **(a)** above, graphics programs capable of laying out label sizes, shapes, and graphic information to be contained on labels where information fed to a printer is a conventional means for storing large amounts of information prior to printing where one can view the information in label form on the computer before printing, and for this reason it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided for such in Beffa.

For **(b)** above, it is conventional to stack labels in a stacking item pre-laminator in that such is a conventional manner of storing large numbers of labels efficiently, and for this reason it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Beffa a stacking item pre laminating machine.

Claim 15, Beffa teaches that the apparatus includes a coating apparatus capable of coating the printed side of each label with a protective layer.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beffa as applied to claims 11-15 above, and further in view of Doesburg (US 5,520,958).

Claim 16, Beffa teaches that the coating apparatus is a laminator for a solid layer and not that the coating apparatus is a coater for fluid material.

Doesburg teaches a coating apparatus which is a coater for a fluid material. The apparatus applies varnish over print on a web of label material, and Doesburg teaches using this apparatus over solid film laminators because such are more cost effective, flexible in terms of thicknesses applied, and space efficient, see column 2, line 52, to column 3, line 2.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Doesburg that the coating apparatus is a coater for fluid material instead of a laminator for a solid layer because Doesburg teaches that such is superior to a solid film laminator because it is more cost effective, flexible in terms of thicknesses applied, and space efficient.

5. Claims 24 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beffa (GB 2 321 434) in view of Anderson et al. (US 3,869,330) and D'Andrea et al. (US 3,257,258).

Claims 24 and 29, Beffa teaches an apparatus which is considered high speed where for claim 24 the specific rate of up to about 48 feet per minute refers to the use of the apparatus and does not provide a structural difference between the structure claimed and that of reference. With respect to the intended use limitation in preamble, the apparatus is capable of forming, printing, and laminating labels thereto. The limitations directed to the carton per se do not provide a structural difference between the structure claimed and that of the reference in that such refers to the material

operated upon by the claimed apparatus. The apparatus includes a computer (Macintosh PC 7600/120 for example) which includes a microprocessor; a digital printer (Canon CLC 700 for example; digital control) capable of receiving said output information from the computer and printing a plurality of labels identified by information on a continuous web stock; a coating apparatus capable of receiving the web and coating the printed side of each label with a protective layer and a cutting machine (a puncher for example) capable of cutting and singulating individual labels therefrom (finisher); and stations capable of applying an adhesive if desired to one side of each label opposite the printed side and capable of laminating (pressing alignment) the label in indexed relationship thereto (alignment).

Claims 24 and 29, Beffa does not (a) specifically recite that the computer includes a graphics program capable of laying out label sizes, shapes, and graphic information to be contained on the label where the output information is from the file, (b) teach a smoothing station including a rotary press for removing bubble under the label, and (c) teach a stacking station after the labeler

For **(a)**, graphics programs capable of laying out label sizes, shapes, and graphic information to be contained on labels where information fed to a printer is a conventional means for storing large amounts of information prior to printing where one can view the information in label form on the computer before printing, and for this reason it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided for such in Beffa.

For **(b)**, Anderson et al. teach rotary press 42 for pressing upon a label after label application (c 3, L 47-60). Press 42 prevents air blisters under the label which damage the label (c 1, L 5-24).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Beffa a smoothing station including a rotary press because Anderson et al. teach using such to prevent air blisters under a label where the blisters damage the label.

For **(c)**, it is conventional to stack labeled products as demonstrated in D'Andrea et al., see Figure 13 and related discussion) where stacking provides a means for storing a large number of items temporarily, and for this reason it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Beffa a stacking station after the labeler.

6. Claims 25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beffa in view of Anderson et al. and D'Andrea as applied to claims 24 and 29 above, and further in view of Pechmann (US 3,159,521).

Claims 25 and 30, Beffa teaches the cutting machine but does not specifically recite rotary dies.

Pechmann teaches rotary dies 8 and 9 which cut a label from a web for application to a product (c 2).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Beffa that the cutting machine includes rotary dies in that in the same art Pechmann teaches rotary dies which cut a label from a web

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for application to a product where it is obvious to replace one cutter (that of Beffa not specifically recited) with another art recognized alternative cutter.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Gray whose telephone number is (571) 272-1228. The examiner can normally be reached Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla, can be reached at (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public Pair. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-1997 (toll-free).

llg

December 18, 2006

Linda L. Gray
LINDA GRAY
PRIMARY EXAMINER